

## REMARKS

Prior to this amendment, Claims 13-25 were pending in this application, with Claims 13, 16, 19, 20, and 25 being independent claims. The Specification, the Abstract, and the Drawings are objected to due to informalities. Claims 13-25 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 13-25 are rejected under 35 U.S.C. §101 as not falling within one of the four statutory categories of invention.

As indicated above, the Specification, the Abstract, FIGs. 1-16, and Claims 16, 19, 20, 23, and 25 have been amended. Claims 13-15, 17-18, 21-22, and 24 have been cancelled. No new matter has been added. Claims 16, 19, 20, 23, and 25 are now pending, with Claims 16, 19, 20, and 25 being independent claims.

Regarding the objection to the Specification, the Examiner states that headings for each section of the Specification should be provided. (Office Action, pages 2-3). As indicated above, a Substitute Specification is enclosed herewith. The Substitute Specification provides headings according to the Examiner's request, and is provided in redline form, as well as a clean copy, for the Examiner's convenience. Accordingly, withdrawal of the objection to the Specification is respectfully requested.

Regarding the objection to the Abstract, the Examiner states that the Abstract should not repeat information given in the title or claims, nor should the Abstract exceed 150 words. (Office Action, page 3). As indicated above, the Abstract has been amended, and is in compliance with the requirements of 37 C.F.R. §1.72. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

Regarding the objection to the Drawings, the Examiner states that FIGs. 1-6 should be labeled as "Prior Art" and that the font size for the descriptive characters are too small. Regarding FIG. 6, this drawing is not described in the Background of the Invention section of the Specification, and is therefore not labeled as "Prior Art." Accordingly, FIGs. 1-5 have been

amended to include the label “Prior Art,” and FIGs. 1-16 have been amended to increase the font size of the descriptive characters. Therefore, the Drawings are in compliance with 37 C.F.R. §1.84. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

Regarding the §112, second paragraph, rejections of independent Claims 16, 19, 20, and 25, the Examiner asserting that the limitations, “estimating a last block sequence number of successive blocks that are successfully received...estimating a number of groups of successive blocks that are successfully received,” renders these claims indefinite, by asserting that it is not clear how to distinguish the number of successive blocks from the number of groups of successive blocks. (Office Action, page 5).

Regarding these limitations, it is noted that the Examiner underlines the phrase, “number of successive blocks” as a single term. However, the word “number” is not a part of a term “number of successive blocks” referring to a quantity of blocks but is rather part of a term “block sequence number,” which is a number used for identifying each individual block. Therefore, the “last block sequence number of successive blocks” is the last block sequence number corresponding to a group of successive blocks. For example, FIG. 3 illustrates a series of MAC PDUs, such that each block has a Block Sequence Number (BSN) ranging from 1-12. Blocks having BSNs 1-3, 5-6, and 9-11 are in groups of successive blocks that are successfully received. Further, the term “estimating” has been replaced with the term “determining,” for clarity.

Therefore, the limitations of the claims are consistent with the Specification of the present application and are not indefinite. Independent Claims 16, 19, 20, and 25 satisfy the requirements of 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the §112, second paragraph, rejections of independent Claims 16, 19, 20, and 25 is respectfully requested.

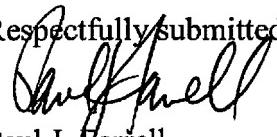
Regarding the §101 rejection of independent Claims 16, 19, 20, and 25, the Examiner states that these claims do not fall within one of the four statutory classes of invention. Accordingly, each of Claims 16, 19, 20, and 25 have been amended to recite that the method is performed in a wireless communication system, and that receiving and sending are performed by a first wireless communication device according to information received from a second wireless

communication device. FIGs. 1-2 of the present application illustrate a transmitter 10 and a receiver 20 for sending and receiving messages including an ARQ transmitter 13, and an ARQ receiver 23. FIGs. 3-5 further illustrate a transmitter and a receiver embodied in terminal devices. Therefore, amended independent Claims 16, 19, 20, and 25, which perform sending and receiving through a wireless communication device in a wireless communication system, satisfy the requirements of 35 U.S.C. §101. Accordingly, withdrawal of the §101 rejection of Claims 16, 19, 20, and 24 is respectfully requested.

Claim 23 is a dependent claim, and is believed to be in condition for allowance for at least the reasons given above with regard to independent Claim 20.

Accordingly, all of the claims pending in the Application, namely, Claims 16, 19, 20, 23, and 25 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant

**THE FARRELL LAW FIRM, LLP**  
290 Broadhollow Road, Suite 210E  
Melville, New York 11747  
Tel: (516) 228-3565  
Fax: (516) 228-8475